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December 17, 1998

K. David Waddell
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

In Re: BellSouth Telecommunications, Inc.'s Entry into Long Distance Interlata Service
in Tennessee Pursuant to Section 271 of the Telecommunications Act of 1996
Docket No. 97-00309

Dear David:

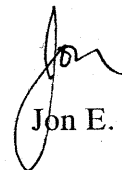
Pursuant to the November 19, 1998 status conference in the above-referenced docket, enclosed please find the original plus thirteen (13) copies of the matrix summarizing evidence presented to the TRA and FCC. This matrix sets forth only the evidence proffered by MCI Telecommunications Corporation before the TRA and the evidence proffered by MCI Telecommunications Corporation and WorldCom Technologies, Inc. before the FCC. Also attached is a diskette with the matrix in wordperfect format.

Copies have been served on all parties of record.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:


Jon E. Hastings

JEH/sja
Enclosures

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing has been hand delivered or mailed to the following persons on this the 17th day of December, 1998:

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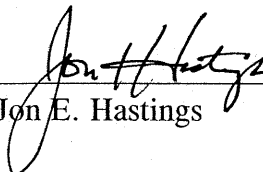
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**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

In re: BellSouth Telecommunications, Inc.'s)
Entry Into Long Distance (InterLATA)) Docket No. 97-00309
Service in Tennessee Pursuant to Section 271)
Of the Telecommunications Act of 1996)

On November 19, 1998, the Tennessee Regulatory Authority ("TRA") held a status conference in this docket. At the conference, the TRA directed each party to submit a matrix summarizing the evidence it presented to the TRA in this matter, the evidence it presented to the FCC regarding that agency's consideration of the second application of BellSouth for interLATA authority in the State of Louisiana,¹ and the FCC's disposition of the evidence presented on each of the "checklist items" contained in Section 271(c)(2)(B) of the Act with the exception of items 3, 7(I), 8, 9 and 10. MCI Telecommunications Corporation and WorldCom Technologies, Inc. (collectively, "MCI WorldCom") hereby submit such a matrix.

¹*Application of BellSouth Telecommunications to Provide In-Region, InterLATA Services in Louisiana*, CC Docket 98-121, Memorandum Opinion and Order, FCC 97-231 at 73 (rel. Oct. 13, 1998) ("*Louisiana II Order*").

**MATRIX OF MCI TELECOMMUNICATIONS CORPORATION
AND WORLD COM TECHNOLOGIES, INC.**

Note: This matrix sets forth only the evidence proffered by MCI Telecommunications Corporation ("MCIT") before the TRA and the evidence proffered by MCIT and before the FCC.

CHECKLIST ITEM 1: requires BellSouth to provide "[i]nterconnection in accordance with the requirements of sections 251(c)(2) and 252(d)(1)." 47 U.S.C. § 271(c)(2)(B)(i). Section 251(c)(2) Act requires that BellSouth provide, for the facilities and equipment of any carrier that requests interconnection:

- "(A) for the transmission and routing of telephone exchange service and exchange access;
- (B) at any technically feasible point within the carrier's network;
- (C) that is at least equal in quality to that provided by [BellSouth] to itself or to any subsidiary, affiliate, or any other party to which the carrier provides interconnection; and
- (D) on rates, terms and conditions that are just, reasonable, and nondiscriminatory in accordance with the terms and conditions of [BellSouth's interconnection agreements] and the requirements of this section and section 252."

<u>TRA Evidence:</u>	<u>FCC Evidence:</u>	<u>FCC Disposition:</u>
		General Disposition BellSouth did not demonstrate that, as a legal and practical matter, it provides interconnection in accordance with the requirements of sections 251(c)(2) and 252(d)(1), as incorporated in section 271. ¶¶65, ¶¶61 - 79.
BellSouth failure to provide trunk blockage data for CLECs to engineer their networks and to assess parity, <u>Testimony of Ronald Martinez ("Martinez Direct")</u> at 12-17.	none	n/a
Problems interconnecting at BellSouth's local tandems. <u>Martinez Direct</u> at 7 - 12, <u>Martinez, X.D</u> at 227.	none	n/a

CHECKLIST ITEM 2: requires BellSouth to provide "[n]ondiscriminatory access to network elements in accordance with the requirements of sections 251(c)(3) and 252(d)(1). " 47 U.S.C. § 271(c)(2)(B)(ii). Section 251(c)(3) provides that ILECs have the duty to provide:

to any requesting telecommunications carrier for the provision of a telecommunications service, nondiscriminatory access to network elements on an unbundled basis at any technically feasible point on rates, terms, and conditions that are just, reasonable, and nondiscriminatory in accordance with the terms and conditions of the agreement and the requirements of this section and section 252. An incumbent local exchange carrier shall provide such unbundled network elements in a manner that allows requesting carriers to combine such elements in order to provide such telecommunications service.

Section 252(d)(1) provides that just and reasonable rates for UNEs established by state commissions shall be cost-based and nondiscriminatory, and may include a reasonable profit.

<p><u>TRA Evidence:</u></p>	<p><u>FCC Evidence:</u></p>	<p><u>FCC Disposition:</u> <u>General Disposition</u> BellSouth did not demonstrate that, as a legal and practical matter, it can make access to unbundled network elements available in a manner that satisfies the requirements of section 251(c)(3), as incorporated in section 271. ¶164, ¶¶80 - 170.</p>
<p><u>UNE Combinations:</u> no evidence (addressed by other parties, in particular AT&T)</p>	<p>BST failure to provide combinations of UNEs or access to network on reasonable, nondiscriminatory terms to permit CLECs to combine UNEs. Declaration of Marcel Henry ("Henry Decl."), ¶¶16-38.</p>	<p>BST failed to make <i>prima facie</i> showing that it can provide nondiscriminatory access to UNEs through the one method that it has identified for such access -- collocation. BellSouth can not limit CLECs' choice to collocation as the only method for accessing and combining UNEs. ¶164.</p>
<p>No evidence presented (evidence presented by other parties).</p>	<p>BST lacks adequate methods and procedures for collocation and cost for collocation is not specific or established. Henry Decl., ¶¶20, 23.</p>	<p>BST failed to demonstrate that it can make available access to UNEs through collocation in a manner that allows new entrants to combine UNEs and provide competitive service on a widespread basis. ¶167.</p>
<p>No evidence presented (evidence presented by other parties).</p>	<p>BST offers only collocation as the method for combining UNEs and collocation is not appropriate as the sole method of combining UNEs; it is the most costly, discriminatory, and anticompetitive method that any ILEC has proposed. Henry Decl. ¶¶20 -24.</p>	<p>BST's offering of collocation as the sole method for combining unbundled network elements is inconsistent with section 251(c)(3). ¶168.</p>

<p><u>TRA Evidence:</u> OSS, continued Ordering and Provisioning Problems: <u>Green Direct</u> at 31-43.</p> <p>Maintenance and Repair Problems: <u>Green Direct</u> at 43 - 44.</p>	<p><u>FCC Evidence:</u> OSS, continued Ordering and Provisioning Problems: <u>Green Decl.</u> at ¶¶91-168.</p> <p>Maintenance and Repair Problems: <u>Green Decl.</u> at ¶¶169 - 175.</p>	<p><u>FCC Disposition:</u> OSS, continued Ordering and Provisioning: BST failed to make a <i>prima facie</i> showing that it provides nondiscriminatory access to OSS ordering and provisioning functions. BellSouth failed to demonstrate parity in order flow-through. ¶107. BST failed to demonstrate that its OSS for ordering UNEs is nondiscriminatory. ¶137. BST failed to demonstrate that it processes orders for UNEs in a nondiscriminatory manner. ¶138., ¶¶107 - 144.</p> <p>Maintenance and Repair: BST failed to demonstrate that it provides nondiscriminatory access to repair and maintenance OSS functions. ¶146. None of BellSouth's repair and maintenance interfaces provide competitors with OSS functionalities equivalent to BST's own capabilities. ¶148, ¶¶145 - 157.</p>
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<p><u>TRA Evidence:</u> <u>OSS, continued</u> Billing Problems: <u>Green Direct</u> at 44 - 45.</p>	<p><u>FCC Evidence:</u> <u>OSS, continued</u> Billing Problems: <u>Green Decl.</u> at ¶¶176 - 177.</p>	<p><u>FCC Disposition:</u> <u>OSS, continued</u> BST failed to provide sufficient evidence that it provides competitors with nondiscriminatory access to billing information. BST is obligated to provide competitors with access to the information on customer usage that competitors request and that is technically feasible to provide but is currently not providing carriers with usage data for flat rate calls, which prevents competitors from marketing and offering calling plans based on flat rate usage. ¶¶158 - 160.</p>
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CHECKLIST ITEM 4: requires BellSouth to provide "[l]ocal loop transmission from the central office to the customer's premises, unbundled from local switching or other services." 47 U.S.C. §271(c)(2)(B)(iv). Moreover, loops are network elements, which BellSouth is required to provide on a non-discriminatory basis. 47 U.S.C. § 251(c)(3); 47 U.S.C. § 271(c)(2)(B)(ii).

TRA Evidence:

Access to local loops inadequate based on OSS problems, Green Direct at 35 - 43 and performance measurement problems, Bridges Direct at 1-18.

FCC Evidence:

same issues, Green Decl., all of decl. relevant, particularly ¶¶91-168.

FCC Disposition:

General Disposition:

BellSouth failed to demonstrate that it provides local loop transmission, unbundled from local switching or other services in accordance with our rules. . . . BellSouth failed to make a *prima facie* showing that it offers unbundled local loop transmission in a nondiscriminatory fashion. ¶¶189, ¶¶184 - 200.

BellSouth failed to make a *prima facie* case that it provides unbundled loops in a nondiscriminatory manner. BellSouth failed to demonstrate that it provides access for the provisioning and ordering of unbundled local loops sufficient to allow an efficient competitor a meaningful opportunity to compete. BellSouth failed to demonstrate that it can provide loop cutovers based on reasonably foreseeable demand in a timely and reliable fashion. ¶192.

The performance data that BellSouth provided on the ordering and provisioning of unbundled local loops did not demonstrate nondiscriminatory access. ¶194.

CHECKLIST ITEM 5: requires BellSouth to provide "[l]ocal transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services." 47 U.S.C. § 271(c)(2)(B)(v).

TRA Evidence:

Access to local transport inadequate based on OSS problems Green Direct at 14-17, 31 - 43, and performance measurement problems Bridges Direct at 1-18.

FCC Evidence:

same issues, Green Decl., all of decl. relevant, particularly ¶¶91-168.

FCC Disposition:

BellSouth failed to demonstrate that it provides access to unbundled local transport on a nondiscriminatory basis. This conclusion was based on BellSouth's failure to submit sufficient evidence concerning its OSS systems. ¶202, ¶¶201-206.

CHECKLIST ITEM 6: requires BellSouth to provide "[l]ocal switching unbundled from transport, local loop transmission, or other services." 47 U.S.C. §271(c)(2)(B)(vi). Unbundled local switching also is a network element that must be provided on a non-discriminatory basis. 47 U.S.C. §251(c)(3); 47 U.S.C. § 271(c)(2)(B)(ii).

TRA Evidence:

Access to local transport inadequate based on OSS problems Green Direct at 14-17, 31 - 43, and performance measurement problems Bridges Direct at 1-18.

BellSouth failure to provide transport unbundled from local switching. Martinez Direct at 17 -- 18.

BST refusal to make selective routing available using Feature Group D signaling protocol. Martinez Direct at 18-19, Martinez, X.D at 228.

FCC Evidence:

same issues, Green Decl., all of decl. relevant, particularly ¶¶91-168.

same issue, Henry Decl. ¶¶55-56.

BST refusal to make selective routing available using Feature Group D signaling protocol. Henry Declaration, ¶¶ 51-54.

FCC Disposition:

BellSouth did not demonstrate that it is providing local switching unbundled from transport, local loop transmission, or other services, and thus does not satisfy the requirements of checklist item (vi).. . BellSouth failed to make a *prima facie* showing that it provides vertical features, customized routing, and usage information for billing for exchange access and reciprocal compensation in accordance with our rules. ¶210, ¶¶207-234.

FCC concluded that the evidence was not sufficiently clear. ¶¶213, 214.

FCC found record inconclusive as to this objection. . . . MCI may have otherwise raised a legitimate concern. If a competing carrier requests Feature Group D signaling and it is technically feasible for the incumbent LEC to offer it, the incumbent LEC's failure to provide it would constitute a violation of section 251(c)(3) of the Act. ¶226.

CHECKLIST ITEM 7: requires BellSouth to provide "[n]ondiscriminatory access to --(I) 911 and E911 services; (II) directory assistance services to allow the other carrier's customers to obtain telephone numbers; and (III) operator call completion services." 47 U.S.C. § 271(c)(2)(B)(vii).

<u>TRA Evidence:</u>	<u>FCC Evidence:</u>	<u>FCC Disposition:</u>
<p>Performance measurement problems, <u>Bridges Direct</u> at 1-18.</p> <p>BST refusal to provide directory listings for independent telephone companies and other new entrants. <u>Martinez Direct</u> at 38</p>	<p>same issues, <u>Henry Decl.</u>, ¶¶20-22.</p>	<p>II) DA/OS - BST did not demonstrate that it is providing nondiscriminatory access to directory assistance and operator services pursuant to section 251(b)(3). BST failed to make <i>prima facie</i> showing that it provides nondiscriminatory access: (1) to BST-supplied operator services and directory assistance; and (2) to the directory listings in its directory assistance databases. ¶243 , ¶¶239-251.</p> <p>BST did not demonstrate that it provides access to its operator services and directory assistance in a nondiscriminatory manner. BST performance data purported to demonstrate nondiscriminatory access through two measurements but failed to separate performance data between itself and competing carriers. ¶245.</p> <p>BST failed to demonstrate that it provides subscriber listing information in its directory assistance database in a way that allows competing carriers to incorporate that information into their own database. ¶249.</p>

CHECKLIST ITEM 11: requires BellSouth to provide, prior to FCC regulations concerning number portability, "interim telecommunications number portability through remote call forwarding, direct inward dialing trunks, or other comparable arrangements, with as little impairment of functioning, quality, reliability, and convenience as possible." 47 U.S.C. §271(c)(2)(B)(xi).

TRA Evidence:

Network outages, lack of BST appropriate methods and procedures for ILNP cutovers
Martinez Direct at 4-5, 42 - 44,
Martinez, X.D at T.231.

FCC Evidence:

same issues, Henry Decl, ¶¶ 60-62.

FCC Disposition:

General Disposition

BellSouth did not demonstrate compliance with checklist item (xi). . . . BellSouth failed . . . to make a *prima facie* case that it provides interim number portability so that "users of telecommunications services [can] retain, at the same location, existing telecommunications numbers *without impairment of quality, reliability, or convenience* when switching from one telecommunications carrier to another." ¶276, ¶¶274-294.

BellSouth did not meet burden of demonstrating that it is providing nondiscriminatory access to its OSS for the provision of ILNP. ¶285,

Based on performance measurement problems, BST did not demonstrate that it is adequately coordinating unbundled loops with its provision of ILNP. ¶279.

Evidence re: Atlanta outages found by FCC to be insufficiently probative. ¶284

CHECKLIST ITEM 12: requires BellSouth to provide "[n]ondiscriminatory access to such services or information as are necessary to allow the requesting carrier to implement local dialing parity in accordance with the requirements of section 251(b)(3)." 47 U.S.C. § 271(c)(2)(B)(xii). Section 251(b)(3) provides that local exchange carriers have "[t]he duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays."

TRA Evidence:

No evidence presented.
(Evidence concerning directory assistance data is addressed under checklist item 7.)

FCC Evidence:

n/a

FCC Disposition:

BellSouth demonstrated that it provides nondiscriminatory access to such services as are necessary to allow a requesting carrier to implement local dialing parity in accordance with the requirements of section 251(b)(3), and thus satisfies the requirements of checklist item (xii). ¶296, ¶¶295-297.

CHECKLIST ITEM 13: requires that BellSouth provide "[r]eciprocal compensation arrangements in accordance with the requirements of section 252(d)(2)." 47 U.S.C. § 271(c)(2)(B)(xiii) Section 252(d)(2) provides in pertinent part that for purposes of compliance with section 251(b)(5) (which requires local exchange carriers to establish reciprocal compensation arrangements), "a state commission shall not consider the terms and conditions of reciprocal compensation to be just and reasonable unless --

- (i) such terms and conditions provide for the mutual and reciprocal recovery by each carrier of costs associated with the transport and termination on each carrier's network facilities of calls that originate on the network facilities of the other carrier; and
- (ii) such terms and conditions determine such costs on the basis of a reasonable approximation of the additional costs of terminating such calls."

TRA Evidence:

No evidence presented; legal arguments advanced in brief.

FCC Evidence:

BST fails to pay appropriate reciprocal compensation because BST pays CLECs less based on their more streamlined network structure, and because of BST's refusal to pay local interconnection charges for traffic terminating to ISPs. Henry Decl., ¶¶57-59.

FCC Disposition:

We conclude that BellSouth demonstrates that its access and interconnection include reciprocal compensation arrangements in accordance with the requirements of section 252(d)(2), and thus, satisfies the requirements of checklist item (xiii). ¶299, ¶¶ 298 - 305.

Issue not decided. Neither this Commission nor the Louisiana Commission have reached a final determination on this matter. FCC does not consider BST's unwillingness to pay reciprocal compensation for traffic that is delivered to ISPs in assessing whether BST satisfies this checklist item. Any future grant of in-region interLATA authority under section 271 will be conditioned on compliance with forthcoming decisions relating to Internet traffic in Louisiana. (*Note: This is clearly unlike the situation in Tennessee, where the TRA, unlike the Louisiana PSC, has already ruled on this issue.*)

CHECKLIST ITEM 14: requires BellSouth to establish that "[t]elecommunications services are available for resale in accordance with the requirements of sections 251(c)(4) [concerning nondiscriminatory provision of resale services] and 252(d)(3) [concerning resale pricing]."

TRA Evidence:

BellSouth fails to provide adequate performance measures, standards and self-executing enforcement mechanisms.

Bridges Direct at 1-18.

OSS deficiencies, Green Direct at 14-17, 31 - 43,

FCC Evidence:

same issues, Henry Decl. at ¶¶39 - 47.

same issues, Green Decl., all of decl. relevant, particularly ¶¶91-168.

FCC Disposition:

Because of deficiencies in its OSS systems, BST fails to demonstrate that it makes telecommunication services available for resale in accordance with sections 251(c)(4) and 252(d)(3). ¶309. ¶¶306 - 319.